

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHAEL HUFTILE,

Plaintiff, No. CIV S-05-0171 GEB KJM P

vs.

SACRAMENTO COUNTY BOARD ORDER
OF SUPERVISORS, et al.,

Defendants.

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Plaintiff is a California civil detainee proceeding pro se. Plaintiff seeks relief under 42 U.S.C. § 1983 and has requested leave to proceed in forma pauperis under 28 U.S.C. § 1915. This proceeding was referred to this court by Local Rule 72-302 under 28 U.S.C. § 636(b)(1).

Plaintiff has submitted a declaration that makes the showing required by 28 U.S.C. § 1915(a). Accordingly, his request to proceed in forma pauperis will be granted.

Good cause appearing, the court will order service of process with respect to both named defendants in this action.

On June 9, 2005, plaintiff filed a motion seeking a preliminary injunction. Plaintiff asked that the court order that he not be housed at the Sacramento County Jail in conjunction with a hearing that was to take place in August of 2005. Plaintiff's request is moot.

1 Also, defendants were never given notice concerning plaintiff's request. Under Rule 65 of the
2 Federal Rules of Civil Procedure, "[n]o preliminary injunction shall be issued without notice to
3 the adverse party." For these reasons, plaintiff's request for a preliminary injunction will be
4 denied, but it will be denied without prejudice to plaintiff seeking a preliminary injunction barring
5 his being housed at the Sacramento County Jail at some point in the future and after defendants
6 have been served with process.

7 In accordance with the above, IT IS HEREBY ORDERED that:

8 1. Plaintiff's request for leave to proceed in forma pauperis is granted.

9 2. Service is appropriate for defendant Blanas and the Sacramento County Board
10 of Supervisors.

11 3. The Clerk of the Court shall send plaintiff two USM-285 forms, one summons,
12 an instruction sheet and a copy of the complaint filed January 27, 2005.

13 4. Within thirty days from the date of this order, plaintiff shall complete the
14 attached Notice of Submission of Documents and submit the following documents to the court:

15 a. The completed Notice of Submission of Documents;

16 b. One completed summons;

17 c. One completed USM-285 form for each defendant listed in number 2
18 above; and

19 d. Three copies of the endorsed complaint filed January 27, 2005.

20 5. Plaintiff need not attempt service on defendants and need not request waiver of
21 service. Upon receipt of the above-described documents, the court will direct the United States
22 Marshal to serve the above-named defendants pursuant to Federal Rule of Civil Procedure 4
23 without payment of costs.

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6. Plaintiff's June 9, 2005 request for a preliminary injunction is denied without prejudice to plaintiff seeking a preliminary injunction at some point in the future and after defendants have been served with process.

DATED: March 16, 2006.


UNITED STATES MAGISTRATE JUDGE

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vs.

SACRAMENTO COUNTY
BOARD OF SUPERVISORS, et al.,

NOTICE OF SUBMISSION
OF DOCUMENTS

Defendants.

_____/

Plaintiff hereby submits the following documents in compliance with the court's
order filed _____:

1 completed summons form

2 completed USM-285 forms

3 copies of the 1/27/05
Complaint

DATED:

Plaintiff